

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DEVIN BENNETT

PLAINTIFF

v.

No. 4:12CV108-SA-DAS

CAPTAIN NORRIS MORRIS, ET AL.

DEFENDANTS

JUDGMENT

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The magistrate judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is ordered:

1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the plaintiff's claims against Norris Morris and Timothy Thomas for failure to state a constitutional question are **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted.
3. The plaintiff's claims against the remaining defendants – Superintendent Earnest Lee, Deputy Commissioner E. L. Sparkman, Commissioner Christopher Epps, and Doris McDonald will, however, **PROCEED**.

SO ORDERED, this, the 29th day of July, 2014.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE